

**BEFORE THE COMMISSIONERS APPOINTED BY THE CENTRAL OTAGO
DISTRICT COUNCIL**

UNDER the Resource Management Act 1991

IN THE MATTER of RC230179 an application for a 33-lot
subdivision at Rocky Point on Tarras-
Cromwell Road (SH8)

BY **TKO PROPERTIES LIMITED**

Applicant

STATEMENT OF EVIDENCE OF CHRIS JENNINGS

Dated: 4 November 2024

Statement of evidence of Chris Jennings

Introduction

- [1] My full name is Christopher Gregg Jennings.
- [2] I am the Senior Archaeologist of Southern Pacific Archaeological Research, a research unit and consultancy based in the Archaeology Programme at the University of Otago.
- [3] My qualifications include a BA(Hons) and MA in Anthropology from the University of Otago and a PhD from the University of Queensland. I have over 15 years of experience in the heritage sector.
- [4] I am a member of the New Zealand Archaeological Association (**NZAA**) and currently serve as its president. I want to note that my involvement in this project predated my taking this role, and I am not representing NZAA in any capacity as part of this project.
- [5] I have been instructed by TKO Properties Limited to give expert archaeological evidence regarding RC230179, an application for a 33-lot subdivision at Rocky Point on Tarras-Cromwell Road (SH8).

Code of conduct for expert witnesses

- [6] While this is not an Environment Court hearing, I have read and agree to comply with the Code of Conduct for Expert Witnesses in the Environment Court Practice Note 2023. This evidence is within my area of expertise, except where I state that I am relying on material produced by another person. I have not omitted to consider material facts known to me that might alter or detract from the opinions that I express.

Scope of evidence

- [7] My evidence will address:
- (a) my original archaeological assessment of the proposal;
 - (b) the archaeological matters raised by submitters; and
 - (c) the archaeological matters raised by the Central Otago District Council in its section 42A report.

Executive summary

- [8] I have assessed the effects the proposed subdivision will have on archaeological sites present in Lot 1 DP 561457 (**the Project Area**). Two sites in poor condition would be affected by the proposed development.
- [9] I have reviewed the archaeological matters raised by submitters and provided a responding analysis to them. This has included comments received subsequent to the formal submissions process by the Department of Conservation (**DOC**).
- [10] The Heritage and Archaeological Effects section of the Central Otago District Council planning officer's section 42A report, is generally consistent with my recommendations for managing the project archaeology, although with a few caveats.
- [11] I also provide comments in response to the supplementary s42A report and matters in respect to the private covenant insofar as those pertain to Heritage and Archaeological matters.
- [12] Overall, I consider the proposal's effects on Heritage and Archaeological matters will be appropriately managed through the conditions of consent and the Heritage New Zealand Pouhere Taonga Act 2014.

Archaeological assessment

- [13] I prepared an assessment report entitled: "Archaeological assessment of proposed Rocky Point Subdivision, Central Otago"
- [14] This report was prepared in accordance with Heritage New Zealand Pouhere Taonga's (**HNZPT**) guidelines for writing archaeological assessments.
- [15] Prior to field investigations, I conducted initial desk-based research for the Project Area, the adjacent Lot 2 DP 561457, and the surrounding area. This included Geographical Information System analysis of historical maps and aerial photographs, and background historical research.

- [16] Following the desktop research, I undertook a survey of the Project Area, undertaken concurrently with an inspection of Lot 2 DP 561457. This was carried out over two days on 15-16 November 2022. The archaeological survey targeted features previously identified during earlier land surveying work in the area. The survey also included a general survey of topography accessible by driving tracks throughout the two lots.
- [17] Four archaeological sites were identified within the Project Area during the survey and recorded on ArchSite, the NZAA national database of archaeological sites. These sites consisted of:
- (a) G41/771: An earth bank feature, potentially an animal enclosure in a degraded condition.
 - (b) G41/772: A stone retaining wall feature in good condition.
 - (c) G41/773: An earth bank feature, potentially a reservoir or animal enclosure, in a degraded condition.
 - (d) G41/774: An area with remnants of tailings, probably indicative of minor gold workings and in poor condition.
- [18] Although no evidence that would provide construction dates for any of these features was identified, they likely relate to operations on the historic Morven Hills Station and later Bendigo Station or exploratory alluvial gold mining.
- [19] Subsequent site inspections of the project area by Dr Matt Schmidt (DOC Senior Heritage Advisor) and myself at similar sites in the Dunstan region confirm that these features are indeed related to alluvial gold mining and likely date to pre-1900 activities in the area.
- [20] The potential effects related to the development of the proposed subdivision would likely include the modification or destruction of G41/771 and G41/773. This would be managed through the archaeological authority process under the Heritage New Zealand Pouhere Taonga Act 2014.

- [21] While additional evidence suggests that these sites relate to gold mining as opposed to pastoral farming activities, their condition, rarity/uniqueness and values, as assessed in my original archaeological assessment, remain unchanged. Reservoir sites related to alluvial mining are relatively common throughout Central Otago.
- [22] Destruction of G41/771 and G41/773 would be managed under a general archaeological authority under the Heritage New Zealand Pouhere Taonga Act 2014. Archaeological authorities from HNZPT are granted with conditions on how to manage site destruction, specifically in relation to preserving their archaeological information. These conditions are primarily guided by the recommendations of the archaeological assessment provided to support an application. HNZPT will also apply standard conditions such as an Archaeological Management Plan (**AMP**) to facilitate development works and archaeological considerations.
- [23] In my original assessment, I recommended that prior to earthworks, detailed recording should be undertaken for sites G41/771 and G41/773 and parts of G41/774 that may be affected by road construction. This would include photographic recording and scaled plan drawings for both sites. I also recommended that an archaeologist should monitor any earthworks affecting an archaeological site so that any subsurface archaeological evidence, such as features or artefacts, are appropriately recorded. These recommendations will preserve the archaeological information potential.

Analysis of submissions

- [24] Two submissions have raised concerns related to archaeological sites in the Project Area.
- [25] Submitter: Central Otago Environmental Society (**COES**)
- (a) The COES submission stated that the assessment does not cover the effects of the subdivision on sites G41/297 and G41/19. These sites were considered in the archaeological assessment. The sites are located outside the boundaries of the proposed subdivision and not likely to be affected by any related works. One site

(G41/297) is a structure recorded on the neighbouring property and was not considered further. The other site (G41/19) was recorded using non-physical evidence (the 1863 survey map) and cannot be considered a reliable indicator of archaeological evidence.

- (b) I would also note that these sites are located adjacent to the far northwest boundary of the proposed subdivision and separated from the actual lots to be built on by rocky terrain that is not to be developed.
- (c) The COES submission also noted that the proposed recreational track network was not subject to an archaeological survey and that it should be archaeologically assessed for effects on remaining archaeological values. The recreational track was not specifically assessed during fieldwork as it was added in a later revision to the proposed development plan. However, the entire area was subject to GIS analysis, and parts of the recreational track network were either incidentally assessed or unable to be accessed due to vegetation.
- (d) I agree that the remainder of the network could be further assessed; however, vegetation clearance would be required to inspect the entire proposed track network adequately. Archaeological monitoring could be undertaken during the construction of the tracks should they be included in the final development.

[26] Submitter: DOC

- (a) The DOC submission noted that the application has not considered that the proposed development is under a conservation covenant. This covenant, as it relates to heritage, notes maintaining the historic values of the land, as referred to in "The Rich Fields of Bendigo" by Jill Hamel (1993).

- (b) Although the boundaries of the covenant were not considered in the archaeological assessment, my assessment of the values associated with the sites remains unchanged.
- (c) Only sites G41/771 and G41/773 are likely to be affected by the project. Both of these sites are in poor condition due to exposure and weathering and will continue to deteriorate regardless of whether the subdivision goes ahead or not. The archaeological authority process through the Heritage New Zealand Pouhere Taonga Act 2014 allows for these sites to be recorded in detail (i.e. mapped, photographed, etc) at a point prior to continued deterioration, effectively preserving them by record.
- (d) Only two of the four sites are enclosed within the boundaries of the covenant, G41/771 and G41/772. Neither was included in Hamel's report, and only G41/771 is likely to be affected by development related to the project. This site is in poor condition and will continue to deteriorate due to natural weather processes.
- (e) The DOC submission (point 9) states that the proposed methods to avoid, remedy or mitigate adverse effects on the historic heritage are sufficiently appropriate to address the adverse effects. However, without intervention, these sites will continue to degrade further.
- (f) These features have little in the way of amenity value, and I believe that their archaeological information potential would be best preserved by record. ArchSite, the New Zealand Archaeological Association's national inventory of archaeological sites, retains information on destroyed sites, so any contextual value of these features could still be evaluated within the wider landscape.

[27] Further comments received from DOC post-submission:

- (a) DOC Senior Heritage Advisor Dr Matt Schmidt inspected the site on 14 October 2024. He identified additional archaeological features and an interpretation of the features as a network of water control related to gold mining in the area. As some of these

features were outside the proposed building lots, they were not investigated during my original site inspection. I find Dr Schmidt's interpretation to be sound, and I trust his experience around these sites.

- (b) Dr Schmidt has proposed that the reservoir sites G41/771 and G41/773 could be made features of the development. Furthermore, they could be protected by being planted with shallow-rooted vegetation intended to prevent harm to the features.
- (c) Although these recommendations are sound, and establishing vegetation may preserve and stabilise the sites, this will further obscure the features. Without additional interpretative materials, these sites will have minimal amenity value. As the sites are in such a deteriorated state, they are likely to be indistinguishable from general planting and landscaping and will require additional management to defend against subsequent modification.

Response to planning officer's section 42A report

- [28] The s42A planner's report notes that G41/771 was assessed by me as being in "fair" condition. This was a data entry error on my part when creating the ArchSite record under the "Statement of Condition" section (a drop-down menu with limited options). The assessment report (Section 5) noted the banks as degraded and the condition of this feature as "poor" (Section 6, Table 1), which was my intended assessment of the site's condition.
- [29] The s42A planner's report has a footnote (13) on page 30, for G41/774, noting that the potential site area extends into the adjoining gullies. This is indeed the case, as the point (blue star) on ArchSite refers to a single coordinate for the relocation of the site.
- [30] I agree with point 6.86 of the s42A report that suggests it would be appropriate to adopt an accidental discovery protocol to manage unidentified archaeological material that may be present within the Project Area.

[31] Section 6.89 of the report indicates that the planning officer considers the recommendations I proposed in the assessment to be inadequate to address the values of item G41/771 due to its location within the DOC covenant area. I note that:

- (a) This site was not specifically named or included in the criteria for the covenant, and my assessment indicates it is in poor condition and has limited information potential.
- (b) The covenant, while protecting it from development impacts provides no additional ongoing measures of protection. Without intervention, this site will continue to degrade from exposure to weather and vegetation growth.

[32] Response to planning officer's s42 addendum report:

- (a) On Page 16, the planning officer notes the potential for archaeological evidence not identified in the assessment to be encountered during the development of the subdivision. Recommendation 2 of my Archaeological Assessment allows for this consideration to be managed under an archaeological authority from Heritage New Zealand. Archaeological evidence encountered by contractors would be managed accordingly under a site instruction or AMP, which are usually conditions included by Heritage New Zealand Pouhere Taonga for most general archaeological authorities.
- (b) Additionally, areas not covered by the original assessment but included in development could be reinspected, and an updated archaeological assessment prepared to support an archaeological authority.

Conclusion

[33] Four archaeological sites were recorded within the Project Area during the archaeological assessment. Of these four, only two are likely to be affected by development of the subdivision, G41/771 (earth bank feature) and G41/773 (earth bank feature). Both of these sites are in poor condition and degrading.

[34] G41/771 and G41/772 are located within a DOC covenant affording them protection from development in addition to protections of pre-1900 sites under the Heritage New Zealand Pouhere Taonga Act 2014. This covenant does not provide management for the ongoing preservation of the sites.

[35] Although G41/771 is located within the boundaries of the covenant, the site will continue to degrade without intervention. Detailed recording of the site prior to further development or degradation is an appropriate response, effectively preserving the site "by record." This would also be appropriate for site G41/773, not within the covenant boundaries.

[36] Modification or destruction of archaeological sites is regulated through the authority process under the Heritage New Zealand Pouhere Taonga Act 2014.

Chris Jennings

4 November 2024